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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,837	12/07/2000	John T. Austin	PD-990309	2999

7590 07/13/2006

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EXAMINER
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PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/732,837	Applicant(s) AUSTIN, JOHN T.	
	Examiner David C. Payne	Art Unit 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

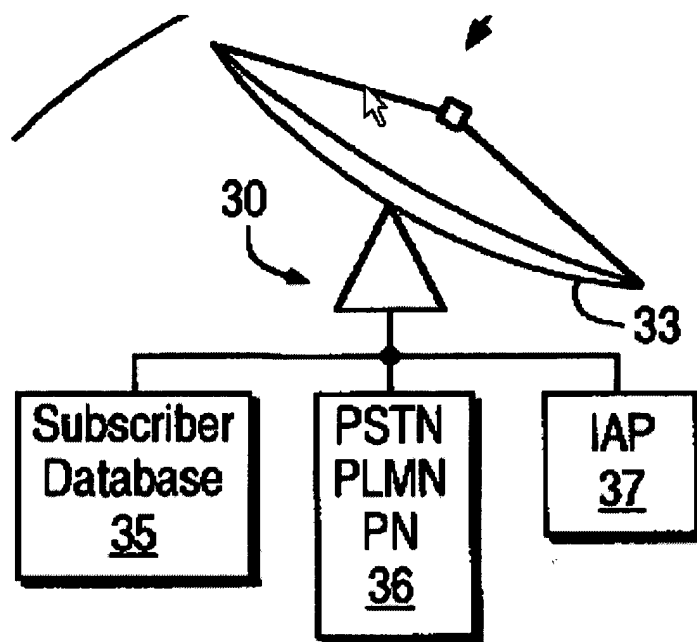
**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 26 April 2006 have been fully considered but they are not persuasive.
2. In the rejection of claim 2 below the Examiner improperly rejected the claim with out including all of the references that the parent claim 1, was rejected under. For this reason the action is not been made Final.
3. Regarding the applicant's traverse of **claim 1** and the alleged decencies of Izadpanah. Adiwoso has been shown to teach all the limitations of the claim 1, including the separate network access point (37 of Figure 1) and a coupling between said access point and teleport station (30). Shown below:



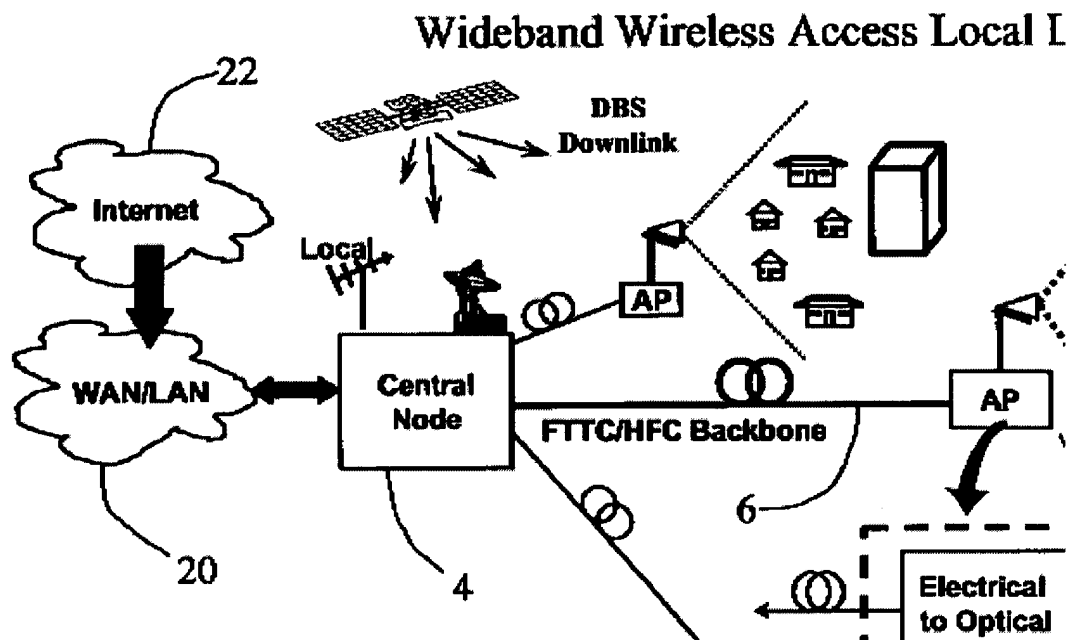
Therefore Izadpanah is cited for the teaching of coupling the aforementioned points via fiber optic link. Thus, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Now regarding Izadpanah. *Col. 4/ lines: 1-12* state:

**"Broadband fiber optic cable 6 provides the means of data transfer between the access interface points 8 and the central nodes 4, as well as between central nodes 4 and other central nodes 4. The central nodes 4 serve as data storage, switching, service integration, and processing centers, and may also serve as part of a wide/metropolitan area network 20, or as a gateway to the Internet 22 via broadband fiber optic cable 6. A system of central nodes may include a plurality of**

**central nodes 4 which may be interconnected via broadband fiber optic cable 6 to form a web-like network of central nodes 4, each serving as part of, or as a complete, wide area network 20."**

The pertinent elements of Fig 1 is shown below:



Izadpanah is explicit in stating a Central Node (4) may be a gateway to the Internet via broadband fiber optic cable! In this figure the Central Node is shown connecting the Access Point (AP) to Internet (22). Which is also stated another way, that the Central Nodes may be part of a web-like network or part of a wide area network (20) connected via broadband fiber optic cable 6.

**Claim 3** depends of claim 1, rejected as below, and including no further traverse.

**Re claim 5**, the combination of Adiwoso and Izadpanah is shown to connect multiple Access points via broadband fiber optic cable, Figure 7 Izadpanah.

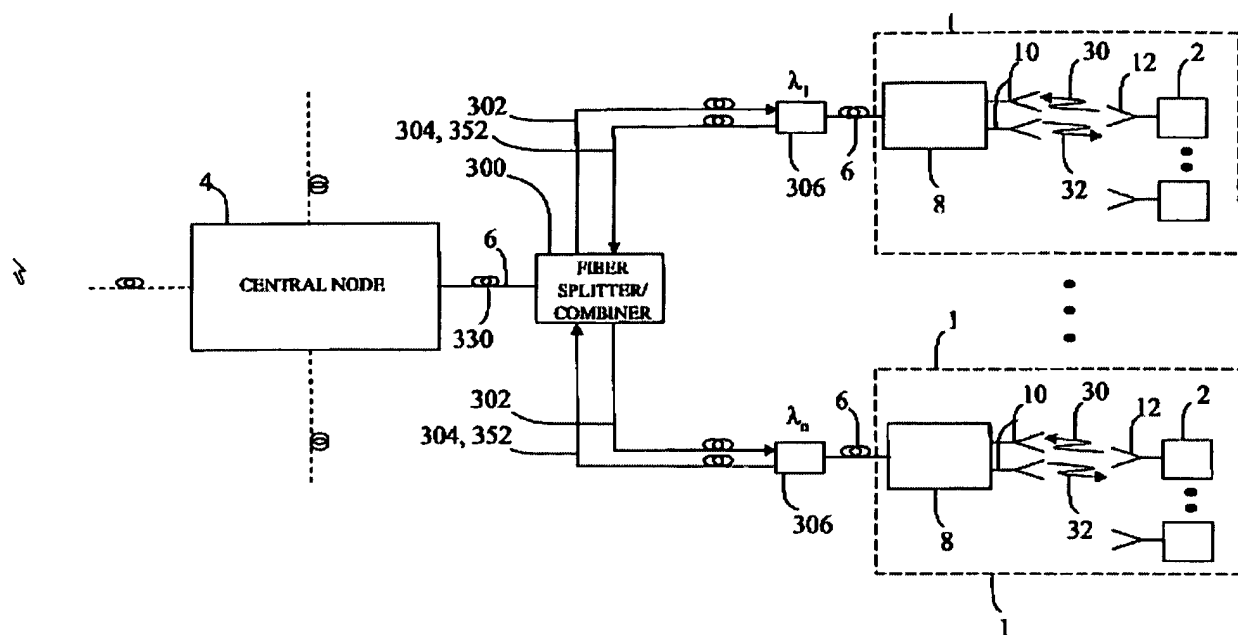


FIG. 7

Therefore, since user stations can be shown to connect to the access points via fiber, which the Examiner concludes in the argument of regarding claim 1, the it follows then, that user stations are connected together via fiber networks.

**Re claim 2**, the combination of Adiwoso, Izadpanah, and Wiedeman disclose all of the element base on the above argument.

**Re claims 1, 3, 5-8, and 10** rejection based of 35 USC 103 (a) Dillon et al. US 5852721 (Dillon) in view of Izadpanah et al. US 6560213 B1 (Izadpanah). Izadpanah has been shown based on the arguments above to teach the missing elements of Dillon.

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**Re claim 4/9**, the Examiner acknowledges the difference in backup proposed by the combination of Dillon, Izadpanah, and Rowe and the claimed invention, namely the applicants claim to satellite backup for fiber. However, given two alternate ways of communicating and the motivation in Izadpanah Col./lines: 6/5-60, of *"By allowing such structural variation, the need for additional optical/electrical conversion equipment as well as additional fiber optic cable may be avoided, allowing the system to be built in a more cost-efficient manner."* It appears that there is sufficient motivation and structure accorded one of ordinary skill in the art at the time of invention to have one system as backup for the other.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Izadpanah et al. US 6560213 B1 (Izadpanah).

Re claim 1, 8 and 10, Adiwoso disclosed

A communications system comprising:

a first teleport station; (30 of Figure 1, "gateway" 30a, see Adiwoso col. 4 lines 59-67)

a first user terminal; (20a of Figure 1, see Adiwoso col. 5 lines 30-50)

a satellite (12 of Figure 1, see Adiwoso col. 4 lines 30-40) coupling the first teleport station (30) to the first user terminal (20a); and

a network access point (37 of Figure 1, "IAP", see Adiwoso col. 5 lines 1-5) coupled to the Internet and the first teleport station (20a).

Adiwoso does not explicitly disclose the network access point (37) coupled to the first teleport station (30) through an optical fiber. Izadpanah disclosed a satellite gateway connected via a fiber optic link for connecting to network such as for transmitting Internet traffic (see e.g., Izadpanah col. 3 lines 1-20). It would have been obvious to one of ordinary skill in the art at the time of invention to connect the Adiwoso gateway (30) to the Internet access point (37) via fiber similar to how the Izadpanah satellite has fiber connections. One is motivated as such since fiber provides a high speed broadband interface to services, Izadpanah, see col. 3 lines 30-67, col. 4 lines 1/35).

Re claims 3, and 5-7, the modified invention of Adiwoso and Izadpanah disclosed multiple satellite stations connected via fiber links, see Adiwoso see Figs. 5&6, which are connected over distances.



4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Izadpanah et al. US 6560213 B1 (Izadpanah) and in further view of Wiedeman US 6,160,994 (Wiedeman).

Re claim 2,

Adiwoso does not disclose communications system wherein said satellite comprises a satellite in the Ka band. Wiedeman disclose the use of Ka band (e.g., col./line: 4/30-40). It would have been obvious to one of ordinary skill in the art at the time of invention to use Ka band with the Adiwoso invention for the benefit of high speed high capacity user links as disclosed by Wiedeman (e.g., col./line: 4/30-40).

5. Claims 1, 3, 5-8, 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon et al. US 5852721 (Dillon) in view of Izadpanah et al. US 6560213 B1 (Izadpanah).

Re claim 1, 8 and 10, Dillon disclosed

A communications system comprising:

a first teleport station; (170 of Figure 1)

a first user terminal; (110 of Figure 1)

a satellite (175 of Figure) coupling the first teleport station (170) to the first user terminal (110); and

a network access point (150 of Figure 1) coupled to the Internet (128) and the first teleport station (170).

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Dillon does not explicitly disclose the network access point (150) coupled to the first teleport station (170) through an optical fiber. Izadpanah disclosed a satellite gateway connected via a fiber optic link for connecting to network such as for transmitting Internet traffic (see e.g., Izadpanah col. 3 lines 1-20). It would have been obvious to one of ordinary skill in the art at the time of invention to connect the Dillon teleport station (170) to the Internet access point (150) via fiber similar to how the Izadpanah satellite has fiber connections. One is motivated as such since fiber provides a high speed broadband interface to services, Izadpanah, see col. 3 lines 30-67, col. 4 lines 1/35).

Re claims 3, and 5-7, the modified invention of Dillon and Izadpanah disclosed multiple satellite stations connected via fiber links; see Izadpanah see Fig 2, which are connected over distances.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon et al. US 5852721 (Dillon) in view of Izadpanah et al. US 6560213 B1 (Izadpanah) in view of Rowe et al. US 6792615 B1 (Rowe).

Re claim 4 and 9, Dillon and Izadpanah disclosed the aforementioned invention but not routing over fiber in the event of satellite failure. Rowe disclosed several backup schemes to this effect, Col./line: 20/50-67). It would have been obvious to one of ordinary skill in the art at the time of invention use the modified system (Izadpanah, Col./Line: 6/50-60) in this manner to provide for reliability in bad weather conditions

such as rain and fog.

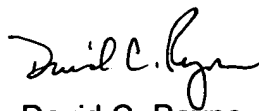
### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp

  
David C. Payne  
Primary Examiner  
AU 2613